

## LEGISLATION MINUTES

### MARLBORO TOWNSHIP COUNCIL MEETING

January 1, 2008

The Marlboro Township Council held its Inauguration Meeting on January 1, 2008 at 12 Noon at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this inauguration meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 18, 2007; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman La Rocca, Councilwoman Marder, Councilwoman Tragni and Council President Cantor (Absent: Rosenthal).

Also present were: Mayor Jonathan L. Hornik, Jonathan L. Williams, Esq., Business Administrator Alayne Shepler, Municipal Clerk Alida Manco, and Deputy Clerk Deborah Usalowicz.

The Invocation was given by Rabbi Toni Shy from Marlboro Jewish Center.

Robert Salman, Esq. swore in Mayor Jonathan Hornik. Mayor Hornik expressed his thanks and stated that his administration was committed to stabilizing the municipal portion of the residential property taxes, explaining his plan for progress for the next 100 days and beyond.

Mayor Jonathan Hornik swore in Councilman Frank LaRocca and Councilwoman Randi Marder. Council members expressed their thanks and what they hope to accomplish during their terms.

The following Resolution #2008-1 (Advising and Consenting to Appointment of Director of Economic Development (Deputy Mayor) - Lawrence Rosen) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman La Rocca and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2008-1

RESOLUTION CONFIRMING THE APPOINTMENT OF  
LAWRENCE ROSEN AS THE DIRECTOR OF ECONOMIC DEVELOPMENT

WHEREAS, the Mayor has advised the Township Council of his intention to appoint LAWRENCE ROSEN as the Director of Economic Development for the Township of Marlboro subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of LAWRENCE ROSEN as the Director of Economic Development for the Township of Marlboro.

The following Resolution #2008-2 (Advising and Consenting to Appointment of Director of Community Relations (Deputy Mayor) - Huimin Shen) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2008-2

RESOLUTION CONFIRMING THE APPOINTMENT OF  
HUIMIN SHEN AS THE DIRECTOR OF COMMUNITY RELATIONS

WHEREAS, the Mayor has advised the Township Council of his intention to appoint HUIMIN SHEN as the Director of Community Relations for the Township of Marlboro subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of HUIMIN SHEN as the Director of Community Relations for the Township of Marlboro.

The following Resolution #2008-3 (Advising and Consenting to Appointment of Director of Law - Jonathan Williams, Esq. - DeCotiis, FitzPatrick Cole & Wisler, LLP) was introduced by reference, offered by Councilman La Rocca, seconded by Councilwoman Marder and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2008-3

RESOLUTION APPOINTING JONATHAN L. WILLIAMS, ESQ. AS DIRECTOR OF LAW AND AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO JONATHAN L. WILLIAMS, ESQ. OF DECOTIIS, FITZPATRICK, COLE & WISLER, LLP FOR GENERAL LEGAL SERVICES

WHEREAS, pursuant to N.J.S.A. 40A:69A-43, Mayor Jonathan Hornik has appointed Jonathan L. Williams, Esq., of the law firm of DeCotiis, FitzPatrick, Cole & Wisler, LLP, as Director of Law of the Township of Marlboro; and

WHEREAS, such appointment requires the advice and consent of the Township Council; and

WHEREAS, the Township will require general legal services to be rendered by the law firm of DeCotiis, FitzPatrick, Cole & Wisler, LLP (the "Business Entity") under a contract to be awarded pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized to practice law in the State of New Jersey and, accordingly, constitute professional services exempt from public bidding pursuant to the Local Public Contracts Law, specifically N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2008 Municipal Budget; and

WHEREAS, the Business Entity has completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Section 26 or to N.J.S.A. 19:44A-20.5, and that

no reportable contributions that would violate Marlboro Township Code Section 26 or N.J.S.A. 19:44A-20.5 will be made during the term of the contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c. 271.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Township Council of the Township of Marlboro, hereby confirms the appointment of Jonathan L. Williams, Esq. as Director of Law, and hereby authorizes and approves the award of a Professional Services Contract to Jonathan L. Williams, Esq. of the firm of DeCotiis, FitzPatrick, Cole & Wisler, LLP, for general legal services pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding pursuant to the Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i), and shall provide for compensation at an hourly rate of One Hundred Thirty-five Dollars (\$135.00) for legal services and an hourly rate of Eighty Dollars (\$80.00) for paralegal services; and

2. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver the said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

3. The Business Entity Disclosure Certification, Business Entity Disclosure of Campaign Contributions, and Determination of Value shall be placed on file with this Resolution; and

4. A copy of this Resolution shall be published as required by law within ten (10) days of its passage; and

5. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. Jonathan L. Williams, Esq. of the firm of DeCotiis, FitzPatrick, Cole & Wisler, LLP.

The following Resolution #2008-4 (Advising and Consenting to Appointment of Business Administrator - Alayne Shepler) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman La Rocca and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2008-4

RESOLUTION APPOINTING TOWNSHIP BUSINESS ADMINISTRATOR  
FOR THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro is in need of a Business Administrator; and

WHEREAS, Alayne Shepler is qualified to perform the services of Business Administrator in accordance with Township Code and State law; and

WHEREAS, pursuant to law, the appointment of Alayne Shepler as Business Administrator is subject to the advice and consent of the Township Council; and

WHEREAS, consistent with N.J.S.A. 43:15C-2,2a(3), the appointment process is similar in nature to the advice and consent of the Senate for appointments by the Governor of this State and, accordingly, the position is covered by the Defined Contribution Retirement Program (DCRP) and not the Public Employees' Retirement System (PERS); and

WHEREAS, pursuant to N.J.S.A. 43:15C-2, 2b(3), Alayne Shepler is not eligible for enrollment in DCRP as a retiree under PERS, and pursuant to N.J.S.A. 43:15A-7,7b is not eligible for re-enrollment in PERS; and

WHEREAS, it is the intent of this appointment and resolution that Alayne Shepler, being ineligible for enrollment in DCRP and in PERS as aforesaid shall be eligible to continue to receive retirement benefits under PERS while employed as Township of Marlboro Business Administrator; and

WHEREAS, during her employment as Business Administrator, no new pension contributions shall be made by

or on behalf of Alayne Shepler under the Defined Contribution Retirement Program, no pension or health benefits shall be provided by the Township, and no deductions therefor shall be taken from Alayne Shepler.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The aforesaid recitals are incorporated herein by reference as if set forth at length.

2. The Township Council of the Township of Marlboro, hereby confirms the appointment of Alayne Shepler as Business Administrator; and

2. The Mayor and Township Clerk are hereby authorized and directed to execute a contract with Alayne Shepler as Business Administrator, providing for an annual salary of \$125,000; and

3. A certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Alayne Shepler, Business Administrator

The following Resolution #2008-5 (Authorizing Professional Services Contract - Township Engineer - CME) as introduced by reference, offered by Councilwoman Marder, seconded by Councilman La Rocca and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

#### RESOLUTION # 2008-5

#### RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR PROFESSIONAL SERVICES TO CME ASSOCIATES AS TOWNSHIP ENGINEER

WHEREAS, the Township of Marlboro is in need of the services of a Township Engineer, to be appointed pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5; and

WHEREAS, such services are to be performed and rendered by a person or persons licensed and authorized by law to practice such recognized profession, and accordingly, such services constitute professional services exempt from public bidding pursuant to the

Local Public Contracts Law, specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the Chief Financial Officer of the Township of Marlboro has determined and certified in writing that the value of the contract will exceed \$17,500.00; and

WHEREAS, funds will be available for this purpose in the 2008 Municipal Budget; and

WHEREAS, the firm of CME Associates (the "Business Entity") completed and submitted a Business Entity Disclosure Certification certifying that the Business Entity has not made any reportable contributions that would bar the award of a contract pursuant to Marlboro Township Code Section 26 or to N.J.S.A. 19:44A-20.5, and that no reportable contributions that would violate Marlboro Township Code Section 26 or N.J.S.A. 19:44A-20.5 will be made during the term of the Township Engineer's contract; and

WHEREAS, the Township has been provided with the Business Entity's Disclosure of Campaign Contributions at least ten (10) days prior hereto, as required by P.L. 2005, c.271.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey, that:

1. The Township Council of the Township of Marlboro hereby confirms the appointment of CME Associates as Township Engineer, and hereby authorizes and approves the award of a Professional Services Contract thereto pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5; and

2. The Professional Services Contract is awarded without competitive public bidding and shall provide that the Township Engineer shall be paid an hourly rate not to exceed that paid to previous engineer for engineering services; and

3. The Mayor and Town Clerk are hereby authorized and directed to execute, seal and deliver said Contract for Professional Services on behalf of and in the name of the Township of Marlboro; and

3. The Business Disclosure Entity Certification, Business Entity Disclosure of Campaign Contributions, and the Determination of Value shall be placed on file with this Resolution; and

4. That a copy of this Resolution shall be published as required by law within ten (10) days of its passage.

5. That a certified copy of this Resolution shall be provided to each of the following:

- a. Mayor Jonathan Hornik
- b. Township Administrator
- c. CME Associates

The following Resolution #2008-6 (Advising and Consenting to Appointment of Municipal Prosecutor - Allen Falk, Esq.) was introduced by reference, offered by Councilwoman Marder, seconded by Councilman La Rocca and passed on a roll call vote of 4 - 0 in favor (Absent: Rosenthal).

RESOLUTION # 2008-6

RESOLUTION ADVISING AND CONSENTING AS TO THE APPOINTMENT OF  
ALLEN FALK, ESQ. AS MUNICIPAL PROSECUTOR OF THE  
TOWNSHIP OF MARLBORO

WHEREAS, Section 4-71 of the Code of the Township of Marlboro requires the Mayor to appoint a Municipal Prosecutor with the advice and consent of the Township Council; and

WHEREAS, N.J.S.A. 2B:25-4 authorizes a municipality to appoint a municipal prosecutor as necessary to administer justice in a timely and effective manner in its municipal court; and

WHEREAS, Mayor Jonathan Hornik appoints ALLEN FALK, ESQ. as the Municipal Prosecutor of the Township of Marlboro, subject to the advice and consent of the Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro that it hereby advises and consents to the appointment of ALLEN FALK, ESQ. as the Municipal Prosecutor of the Township of Marlboro for the term and to perform the duties and receive the compensation as provided or permitted by law.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Allen Falk
- b. Township Administrator
- c. Township Chief Financial Officer



d. Jonathan Williams, Esq.

There was no Citizen's Voice.

Benediction was given by Pastor Eugene Roberts, Saint Gabriels R.C.Church.

At 12:55PM, Councilwoman Marder moved that the meeting be adjourned. This was seconded by Councilman La Rocca, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Rosenthal).

MINUTES APPROVED: February 21, 2008

OFFERED BY: Rosenthal

AYES: 4

SECONDED BY: Tragni

NAYS: 0

ABSENT: Marder

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ALIDA MANCO  
MUNICIPAL CLERK

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JEFF CANTOR  
COUNCIL PRESIDENT